

# HUMAN SERVICES DEPARTMENT[441]

## Adopted and Filed Emergency

Pursuant to the authority of Iowa Code section 249A.4 and 2011 Iowa Acts, House File 649, section 28, subsection 11, the Department of Human Services amends Chapter 79, “Other Policies Relating to Providers of Medical and Remedial Care,” Iowa Administrative Code.

These amendments increase the Medicaid dispensing fee for prescribed drugs of \$4.34 by an additional amount based on additional appropriations made in 2011 Iowa Acts, House File 649. For state fiscal year 2012, the total dispensing fee will be \$6.20, the usual fee of \$4.34 plus an add-on of \$1.86 to reflect the additional appropriation.

The Council on Human Services adopted these amendments on August 10, 2011.

The Department finds that notice and public participation are impracticable because the legislation took effect on July 1, 2011. Therefore, these amendments are filed pursuant to Iowa Code section 17A.4(3).

The Department also finds, pursuant to Iowa Code section 17A.5(2)“b”(1), that the normal effective date of these amendments should be waived, as authorized by 2011 Iowa Acts, House File 649, section 28, subsection 11.

These amendments are also published herein under Notice of Intended Action as **ARC 9709B** to allow for public comment.

These amendments do not provide for waivers in specified situations because the change is a benefit to the providers affected. Requests for the waiver of any rule may be submitted under the Department’s general rule on exceptions at 441—1.8(17A,217).

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code section 249A.4 and 2011 Iowa Acts, House File 649, section 28, subsection 1(b).

These amendments became effective on August 17, 2011.

The following amendments are adopted.

ITEM 1. Amend subrule **79.1(2)**, provider category “Prescribed drugs,” as follows:

| <u>Provider category</u> | <u>Basis of reimbursement</u> | <u>Upper limit</u>   |
|--------------------------|-------------------------------|--|
| Prescribed drugs         | See 79.1(8)                   | <del>\$4.34</del> \$6.20 dispensing fee effective 8/1/11.<br>(See 79.1(8)“a,” “b,” and “e.”) |

ITEM 2. Amend paragraph **79.1(8)“g”** as follows:

g. For services rendered on or after ~~July 1, 2010~~ August 1, 2011, the professional dispensing fee is ~~\$4.34~~ \$6.20 or the pharmacy’s usual and customary fee, whichever is lower.

[Filed Emergency 8/15/11, effective 8/17/11]

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EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 9/7/11.